

III. REMARKS

Status of the Claims

Claims 1-7, 10-31, 33-45, 48, and 51-53 remain in the case. Claims 1, 33, 42, 48, and 51 have been amended to more clearly describe that which the Applicant considers to be his invention. Claims 32, 46, 47, 49, and 50 have been cancelled. Claims 3, 5, 10, 12, 16, 18, 20, 22, 24, 26-29, 31, 36, 52, and 53 have been amended to show proper dependence in light of the cancelled claims. Claims 7, 31, 37, and 40 have been amended to correct grammatical errors. No new matter is added by these amendments, nor is it believed that any subject matter has been surrendered.

Claim Objection

Claim 32 is objected to because of an informality. Claim 32 has been cancelled, thus the Examiner's objection is moot.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-7, 10-39, 45, 48, 51, and 53 are rejected under 35 U.S.C. § 112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. While Applicant disagrees with the Examiner's arguments, claims 1, 33, 42, 48, and 51 have been amended to identify non-topical routes of administration by replacing the phrase "not formulated for topical administration" with the phrase "formulated for administration parenterally, by suppository, by inhalation, or orally" in order to advance prosecution of this application. Applicant believes these amendments overcome the indefiniteness asserted by the Examiner and Applicant respectfully requests that the 35 U.S.C. § 112 rejections be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

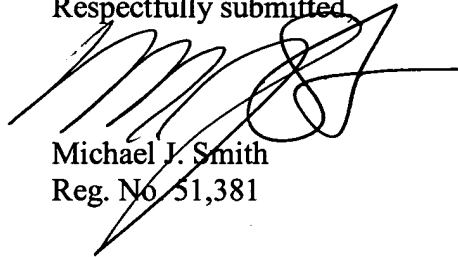
Claims 1, 2, 16, 29, 31-34, and 37-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergamini et al. While Applicant disagrees with the Examiner's arguments,

claims 1, 33, 42, 48, and 51 have been amended to identify non-topical routes of administration by replacing the phrase "not formulated for topical administration" with the phrase "formulated for administration parenterally, by suppository, by inhalation, or orally" in order to advance prosecution of this application. Applicant believes that these amendments render the Examiner's arguments moot and thus Applicant respectfully requests that the 35 U.S.C. § 103 rejection be withdrawn.

Conclusion

Applicant submits that, based on the Amendments and Remarks herein, the claims are in condition for allowance and such favorable action is respectfully requested. If the Examiner has any questions or comments that might accelerate allowance of these claims, he is invited to contact the undersigned representative at (512) 542-8530.

Respectfully submitted,



Michael J. Smith
Reg. No. 51,381

Vinson & Elkins L.L.P.
2300 First City Tower
1001 Fannin Street
Houston, TX 77002-6760
(512) 542-8530

Date: January 19, 2005

498393_1.DOC